

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAJUAN L. BENNETT,

Plaintiff,

v.

J. PEREZ, *et al.*,

Defendants.

Case No. C25-41-TL-MLP

REPORT AND RECOMMENDATION

Plaintiff Jajuan L. Bennett, proceeding *pro se* and *in forma pauperis*, initiated this action pursuant to 42 U.S.C. § 1983. (Dkt. # 5.) On February 10, 2025, the Court directed service of Plaintiff's complaint on Defendants J. Perez, G. Robinson, and L. Arias (collectively, "Defendants"). (Dkt. # 6.) Defendants submitted waivers of service on March 7, 2025, and filed their answer on April 8, 2025. (Dkt. ## 7-11.)

Plaintiff subsequently filed a Motion for Voluntary Dismissal Without Prejudice, which the Court received on April 14, 2025, and was filed on the docket on April 16, 2025. (Mot. (dkt. # 13).) The Clerk's Office reset the noting date for Plaintiff's Motion to May 12, 2025. *See* Local Civil Rule ("LCR") 7(d)(4); dkt., Apr. 22, 2025. Defendants' response to Plaintiff's Motion was

1 therefore due by May 5, 2025. *See* LCR 7(d)(4). To date, no opposition to Plaintiff's Motion has  
2 been filed.

3 Plaintiff requests that the Court dismiss his complaint against Defendants without  
4 prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). (Mot. at 2.) Under Rule 41(a)(2),  
5 after an answer has been filed and absent a stipulation by all appearing parties, "an action may be  
6 dismissed at the plaintiff's request only by court order, on terms that the court considers proper."  
7 Since Defendants have not opposed Plaintiff's Motion, the Court recommends that Plaintiff's  
8 Motion to Dismiss be GRANTED. A proposed order accompanies this Report and  
9 Recommendation.

10 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
11 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this  
12 Report and Recommendation is signed. Failure to file objections within the specified time may  
13 affect your right to appeal. Objections should be noted for consideration on the District Judge's  
14 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may  
15 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be  
16 ready for consideration by the District Judge on **May 30, 2025**.

17 The Clerk is directed to send copies of this Report and Recommendation to the parties  
18 and to the Honorable Tana Lin.

19 Dated this 9th day of May, 2025.

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21 MICHELLE L. PETERSON  
22 United States Magistrate Judge  
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